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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,902	10/30/2001	Sanguthevar Rajasekaran	020967-002020US	5784
20350 7590 01/07/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER PARTHASARATHY, PRAMILA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/015,902	RAJASEKARAN ET AL.	
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication 11/09/2007. Claims 1 – 66 are currently pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 66 have been considered. In view of amendments to the instant claims, Examiner withdraws double patenting rejections with respect to patent claims 6,956,950, however, maintains double patenting rejection with copending application 09/874,795 and patent 6,263,446. Examiner further directs the Applicant's attention to the newly cited double patenting rejection with patent 6,179,058.

Applicant argues that claims of copending application 09/874,795 and patent 6,263,446 claims do not anticipate instant claims and the pending claims include other elements that are not addressed in the previous office action.

Examiner respectfully disagrees and requests Applicants attention to, at least, instant specification pages 9 – 11 to support for claimed limitations as disclosed and claimed in patent 6,263,446 (and 6,170,058) and pages 12 – 14 to support for claimed limitations as disclosed in the copending application 09/874,795. Applicant describes (instant specification Fig.2 and associated text) claimed limitation "camouflage a secret as encrypting a private key under user's valid PIN; Entry of the correct PIN will decrypt the stored key and Entry of certain "pseudo-valid" PINs will also decrypt the stored key but improperly so, resulting in a candidate key that is indistinguishable in form from the correct key" (see page 10 lines 6 – Page 11 line 15). Thus both copending application claims and patent claims encompass instant claim limitations and instant claims are obvious over copending application claims and patent claims. Examiner suggests filing terminal disclaimer to overcome double patenting rejection.

Allowable Subject Matter

3. Claims 1 – 66 are allowed over prior art. Examiner however maintains double patenting rejection with respect to copending application 09/874,795 and patents 6,263,446 and 6,170,058 (please refer to section #2).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 64 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 52 of U.S. Patent No. 6,263,446. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 64 correspond to the claims of 1 – 52 of the patent claims, except in the instant claims the element “wherein said candidate secret comprises a pseudo-valid secret configured to camouflage said secret if said candidate password is not said password” and “said candidate secret has the structural form of a private key”, is referred in the

patent claims as "said server is configured to store said authentication credential in cryptographically camouflaged form".

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

5. Claims 1 – 64 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 95 of U.S. Patent No. 6,170,058. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 64 correspond to the claims of the patent claims, except in the instant claims the element "wherein said candidate secret comprises a pseudo-valid secret configured to camouflage said secret if said candidate password is not said password" and "said candidate secret has the structural form of a private key", is referred in the patent claims as "managing access to a cryptographically secured access-controlled datum, ...said cryptographically camouflaged access-controlled datum using said candidate access code, said processing inhibiting the detection of cryptographic camouflaging by a fraudulent provider of said candidate access code by preserving a structural homogeneity corresponding to a pre-camouflaged state of said access-controlled datum".

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

6. Claims 1 – 64 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4 – 20, 23 – 31, 34 – 43 of copending Application No. 09/874,795. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 64 correspond to the claims of 1, 4 – 20, 23 – 31, 34 – 43 of the copending application claims, except in the instant claims element “wherein said candidate secret comprises a pseudo-valid secret configured to camouflage said secret if said candidate password is not said password” and “said candidate secret has the structural form of a private key”, is referred in the copending claims as “generation-camouflaging at least a portion of said access-controlled datum such as to be reproducible by an authorized user ..., wherein an incorrect datum is entered reproducing an invalid generation-camouflaged datum comprising said appearance of the user's access-controlled datum, wherein said output datum is a function of the input access code”.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

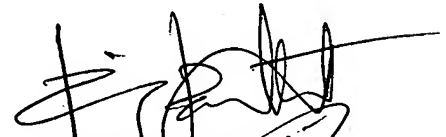
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Pramila Pathasarathy', is written over a rectangular box.

Pramila Pathasarathy
Patent Examiner
Art Unit 2136
December 30, 2007.